

FILED

DEC 22 2014

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDIN A. CHACON,
Plaintiff,

v.

J. CERRINI, et al.,
Defendants.

No. C 13-01982 BLF (PR)

ORDER OF DISMISSAL

Plaintiff, proceeding *pro se*, filed a complaint pursuant to 42 U.S.C. § 1983 against prison officials. On September 15, 2014, the Court denied Defendants' motion to convert their Rule 12(b) motion to dismiss for failure to exhaust administrative remedies into a motion for summary judgment under Rule 56. (Docket No. 39.) Defendants were directed to file a new motion for summary judgment within thirty days from the date the order was filed. (*Id.*) On October 1, 2014, the Court granted Defendants' administrative motion for leave to exceed the page limitation for their motion for summary judgment. (Docket No. 43.) A copy of the order was sent to Plaintiff, which was returned to undeliverable on October 20, 2014, with the notation that Plaintiff no longer resides at the address of delivery. (Docket No. 56.)

This action is subject to dismissal pursuant to Northern District Local Rule 3-11,

1 which requires a party proceeding *pro se* to promptly file a notice of change of address
2 while an action is pending. See L.R. 3-11(a). The Court may, without prejudice, dismiss
3 a complaint when: (1) mail directed to the *pro se* party by the Court has been returned to
4 the Court as not deliverable, and (2) the Court fails to receive within sixty days of this
5 return a written communication from the *pro se* party indicating a current address. See
6 L.R. 3-11(b). On October 20, 2014, the copy of the Court order granting Defendants'
7 administrative motion was returned as undeliverable. (Docket No. 56.) As of the date of
8 this order, Plaintiff has not filed a notice of change of address or submitted any further
9 pleadings in this case. More than sixty days have passed since the mail addressed to
10 Plaintiff was returned as undeliverable. Accordingly, the instant civil rights action is
11 DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local
12 Rules.

13 The Clerk shall terminate any pending motions, including Docket No. 44, as moot.

14 **IT IS SO ORDERED.**

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16 DATED: Dec 22, 2014


17 BETH LABSON FREEMAN
18 United States District Judge
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